

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Andrew Drayton, Jr.,)	
)	
Plaintiff,)	Civil Action No. 0:14-1548-RMG
)	
vs.)	
)	
State, etc.,)	ORDER
)	
_____)	

By order dated September 4, 2015, the Fourth Circuit Court of Appeals remanded this matter to this Court to determine whether Plaintiff's untimely appeal qualified for the exception provided under Fed. R. App. P. 4(a)(6). This provision provides that the time to file an appeal (30 days after entry of the District Court's final judgment) can be reopened for a period of 14 days if (1) the party seeking to appeal did not receive the lower court's order within 21 days of entry; (2) the motion to reopen is filed within 180 days after judgment; and (3) the Court finds no party would be prejudiced.

The record before the Court shows that the challenged District Court order was issued on July 3, 2014 and was placed in the United States mail to Plaintiff. (Dkt. Nos. 26, 28). There is no record that the mail was returned to the District Court. Plaintiff's notice of appeal was filed on September 25, 2014. (Dkt. No. 33).

The parties are directed to file within 30 days of this order any documents or other information they may possess which indicates the date Plaintiff received the District Court's order of July 3, 2014 or any other evidence which may bear upon Plaintiff's right to reopen the time to file an appeal under Fed. R. App. P. 4(a)(6).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'RM Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court

September 4, 2015
Charleston, South Carolina